

ADVISORY OPINION 94-007

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

June 11, 1994

Hon. David L. Yewell  
Rummage, Kamuf, Yewell, Pace & Condon  
322 Frederica Street  
Owensboro, Kentucky 42301

Dear Mr. Yewell:

Thank you for contacting the Registry. Based on the letter you sent to the Registry, the facts to your question can be stated as follows:

You and your partners are members of a five person, unincorporated law partnership. Each partner owns separate, but different amounts of the partnership. You and your partners are interested in supporting the state representative campaign of a gentleman who is an officer of one of your corporate clients.

Based on the information you have provided, your question is three part and can be stated as follows (I am changing the order of the subparts of your question):

1. Can the unincorporated partnership described above make a contribution as a partnership?
2. If a partnership can make a contribution to a Kentucky political campaign, what is the proper method for reporting the contribution? And
3. Can individual partners in the above partnership contribute money to a Kentucky state political campaign and be reimbursed by the law partnership?

KRS 121.150(6) states in its relevant portion that: "...No **person**, permanent committee, or contributing organization shall contribute more than five hundred dollars (\$500) to any one (1) candidate...in any one (1) election[.]" Id. (Emphasis added). A person in KRS 121.150(6) means, among other things, an individual human, a corporation, a permanent committee [as defined by KRS 121.015(3)(c)], or a contributing organization [as defined by KRS 121.015(4)]. See KRS 446.010(26). However, the Registry does not consider the unincorporated law partnership in question to be a person in the above sense. Therefore, the answers to your questions are as follows:

KRS 121.160(2)(c) requires a candidate's treasurer to list the employer of an individual contributor who exceeds the \$100 itemization threshold amount. A partnership itself may not make any contribution to a candidate for elective office in Kentucky. When Registry staff note that a given candidate has received a contribution in the form of a partnership check, they require the treasurer of the campaign to list the name, address, occupation, and other particulars of the individual

contributors. Any contributor in this situation can give a maximum of \$500 per election (primary and general elections are separate elections). For example, a three person equal partnership (all partners own the same amount of the partnership) wishes to give a primary election candidate a contribution. The partnership may write a check for no more than \$1,500, and it is the campaign treasurer's responsibility to list the details of the individual contributors in the candidate's report to the Registry.

On the other hand, if one partner were only a twenty percent (20%) owner of the above partnership, the maximum partnership check here could be for \$1,200 only. Any contribution in excess of \$1,200 in this case would violate the contribution limits due to the ownership arrangement in the partnership. The twenty percent (20%) owner would be allowed to contribute \$300 from his or her **personal** funds in this case. Again, any contributor who gives more than \$100 to a Kentucky candidate will have his or her name and employer clearly listed in the candidate's reports to the Registry, and these reports are public record.

Additionally, there could be, for instance, a situation where the twenty percent (20%) partner above had at least \$500 equity in the partnership. If, according to the partnership agreement, the twenty percent (20%) partner could cause a partnership check to be issued for the \$500, the recipient campaign would have an affirmative duty to credit only the twenty percent (20%) partner as the contributor in this instance. Obviously, in this instance, the twenty percent (20%) partner could not make **any** other contribution to the candidate in question.

Finally, depending on the exact nature and extent of your law firm's business or future business with the recipient candidate, KRS 121.330(2) could come into play in this situation. Please examine KRS 121.330(2) and be aware of the \$5,000 limit it imposes.

In summary, a partnership, itself, may not make a contribution to a political campaign in Kentucky. An individual, who happens to be a partner in an unincorporated partnership, may contribute to a Kentucky political candidate from personal funds, or the candidate may accept a partnership check. An individual may receive partnership reimbursement for a contribution if the partnership owes the individual that amount. However, no individual, personally, through a partnership check, or through a combination of these instruments, may contribute over \$500 per election to a Kentucky candidate. The limit is lower on school board candidates. See KRS 121.150(6).

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull  
General Counsel

TES/db